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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
Thirteenth session

Summary record of the 197th meeting*
Held at the Palais des Nations, Geneva, on Wednesday, 15 April 2015, at 10 a.m.

Chairperson: Ms. Cisternas Reyes
later: Ms. Degener (Vice-Chairperson)
later: Mr. Basharu

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* No summary records were issued for the 192nd to 196th meetings.

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The meeting was called to order at 10.05 a.m.

General comments and days of general discussion

Day of general discussion on the right to education of persons with disabilities

Opening remarks and statements

1. **Mr. Moreno Garcés** (Special Envoy of the Secretary-General on Disability and Accessibility), after welcoming participants to the day of general discussion, said that article 24 of the Convention reflected the ideal that must be sought. Inclusiveness was more than a mere method; it was a way of life that had to be promoted in all corners of the world, in every household and in every classroom, even the most modest. An inclusive society, however, could be built only once all persons and organizations had been made aware of the importance and necessity of inclusiveness. The way to begin building that society was to have children with disabilities attend school with their non-disabled peers. He therefore urged those taking part in the day's discussion to turn it into a global call for inclusiveness, in education in particular. The general comment on education that was to be the ultimate outcome of the discussion was certain to contribute greatly to the development of a culture of inclusiveness.

2. **The Chairperson** said that article 24 of the Convention provided a clear outline of the standards to be achieved by States parties. It had enabled the focus of current discourse to shift from formal equality to substantive equality. The day's general discussion, for its part, would shed light on the ways of ensuring that the right of persons with disabilities to education was realized.

3. **Mr. Salama** (Director, Human Rights Treaties Division, Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that he was favourably impressed by the large turnout for the day's general discussion. Such discussions were at the heart of the development of human rights law and they were held in an inclusive way, with the participation of both States and experts. The human rights treaty bodies were the centre of gravity of the community of experts on human rights; they attracted necessary input from civil society, independent experts and other persons not officially connected with the formal human rights system. The day of general discussion, open to a wide variety of participants, was thus a most welcome development. To enable States to implement human rights treaties, synergies and coordination were often as important as resources, if not more so. The Committee's decision to draft a general comment on the right to education was a very timely one, a point that was made all the more evident to him by his recent viewing of a shocking documentary on the plight of the nearly 1 million children with autism in his own country, Egypt.

4. **Ms. Devandas** (Special Rapporteur on the rights of persons with disabilities) said that as part of her mandate she would focus on promoting the active participation of persons with disabilities in all decision-making processes affecting their lives, combating poverty by such means as encouraging access to inclusive education, and promoting change in the public perception of persons with disabilities with a view to countering stigmatization and discrimination in the education system and elsewhere. In her view, those were the three challenges that required an urgent response and all of them were closely linked to the enjoyment of the right to education.

5. Considerable efforts had been made to define inclusive education in theoretical terms, but, because it was often hard to make it a reality, she believed that it was necessary to further clarify the concept and provide States and other stakeholders with practical, strategic guidance on the ways of transitioning to inclusive education. Any such guidance should state, at a minimum, that all children must receive education in mainstream schools,

with States enforcing a "no-rejection" policy; that children with disabilities must be provided with support and accommodation; that providing reasonable accommodation, while necessary, must not serve as a pretext to stop work on achieving full accessibility; that States must take measures to ensure that children with disabilities learned the skills to enable them to participate fully in education and society; that instruction must be provided in an environment conducive to learning and interaction; and that the necessary structural changes must be made.

6. Universal primary education had not been achieved, in part because persons with disabilities had not been taken fully into consideration. As part of the post-2015 development agenda, however, that omission could be remedied. Lastly, she would appreciate suggestions on how to promote the inclusive education agenda within the scope of her mandate.

7. **Mr. Singh** (Special Rapporteur on the right to education) said that implementing article 24 of the Convention posed considerable challenges to all countries. It required not only material resources but also new mentalities. The proposed general comment on the right to education should therefore take those chailenges into account. Every effort must be made to enable persons with disabilities to develop their abilities to their fullest potential.

8. When reporting to the Human Rights Council in 2012, he had emphasized the measures that should be taken to improve local education systems and assure high-quality inclusive education. Appropriate teacher training, both general and more specialized, was especially important, as were government efforts to ensure that school facilities were physically accessible. States must provide access to technical and vocational education, independent human rights mechanisms should be in place and the judiciary should be willing to examine cases of alleged violations of the right to education. The proposed general comment should provide guidance in that regard.

9. **Ms. Bailey** (Committee on the Elimination of Discrimination against Women) said that, although the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities focused on two different groups, they intersected, as article 6 of the latter Convention acknowledged that women and girls with disabilities were subject to multiple discrimination. In the overall global population, the greatest axis of differentiation and inequality was the male/female divide, and the same applied to persons with disabilities. Reports indicated that the educational needs of girls with disabilities had gone largely unnoticed by those committed to promoting disability or gender equity. Other factors, including type of disability and family economic status, also determined access to educational resources.

10. Since every individual could be affected by one or more of those factors, the scope of the obligations of States parties under the two Conventions was best analysed within the framework of intersectionality. Although article 6 of the Convention on the Rights of the Persons with Disabilities mentioned the related concept of multiple discrimination, the proposed general comment on the right to education would have to treat it more fully. It should also emphasize the need for data with which to assess the status of children living with disabilities, broken down by sex, type of impairment, age and location. The reference to disaggregation in article 31 was too vague.

11. Discrimination and inequality in education were best suited to a three-dimensional analysis. For that reason, the proposed general comment should go beyond the mere question of access to and inclusion in the mainstream education system; it should also address the specific needs of persons with disabilities in the mainstream school system — their rights within education — and the opportunities that their education afforded them, or what might be termed their rights through education.

12. **Mr. Cardona** (Committee on the Rights of the Child) said that the Committee on the Rights of the Child, which, like other treaty bodies, covered issues relating to inclusive education, had identified several obstacles to ensuring the exercise of the right to inclusive education. They included the failure to understand the difference between inclusive education and integration; the lack of awareness of the diversity of disabilities; the shortage of resources; the tendency to allow parents to opt for segregated education; and the pressure that States were under to score well on the Programme for International Student Assessment (PISA), which led to considerable amounts of testing and the tracking of students into separate education systems at a very young age. It was his hope that the day's discussion would make it possible to provide States with guidance on how to ensure that all children could exercise their right to an inclusive education.

Interactive panel on inclusive and quality education systems in law and policies

13. *Ms. Degener (Vice-Chairperson) took the Chair.*

14. **Ms. Farah** (Inclusion International, Middle East and North Africa) said that, when she went to school with her two brothers, in Lebanon, she had been made to leave her Arabic class because she had an intellectual disability. As a result, she had studied only French and English. Students with disabilities had been required by law to attend special schools, but as the security situation had improved Lebanese NGOs had ultimately begun working with international partners, including the World Bank, to promote inclusive education. She herself had been a member of one of those NGOs. Optimism had abounded, and she and her fellow NGO members had begun working with the Ministry of Education, teachers, schools, parents and the community as a whole. As a result, the Ministry of Education had begun training teachers appropriately, more public schools had opened their doors to students with disabilities and official examinations had been reworked to meet the needs of all students. Perhaps more importantly, high-quality education had been made available to all, and people with intellectual disabilities had begun to emerge from the shadows. Progress had been short-lived, however. Persons with intellectual disabilities had been among the worst affected by the renewed instability and insecurity in Lebanon. No attempt had yet been made to build an inclusive education system, owing to budget constraints and other competing national priorities. She therefore called for greater awareness of the situation of persons with disabilities, particularly refugees with disabilities, in "humanitarian" safe zones and conflict zones and urged all stakeholders to take a rights-based approach to the education of children with disabilities.

15. **Ms. Diamond** (Chair, International Disability Alliance (IDA)) said that inclusive education should respond to the diverse needs of all learners in a variety of environments, including rural and remote areas and humanitarian and conflict zones. Legislation recognizing the right to inclusive education should be established with immediate effect in all countries and should provide for non-discrimination and reasonable accommodation for all students with disabilities. Policy guidance should also be made available to States parties in order to strengthen their overall progress towards developing inclusive education systems and mainstreaming disability in national policies. Awareness-raising and training at the local, regional and national levels should accompany the introduction of legislative provisions for inclusive education, and legal remedies should be made available for children and persons with disabilities whose requests for reasonable accommodation or inclusion in mainstream education had not been met. Moreover, general and individual support measures for children with disabilities should be offered, including the provision of assistive technologies and devices and alternative modes of communication such as Braille and sign language. Comprehensive general accessibility action plans as well as more specific plans focused on education should also be developed in order to guarantee the accessibility of national education systems. Furthermore, training in inclusive education should be mandatory and form an integral part of the teacher-training curriculum in universities to ensure that the values and principles of inclusive education were introduced at the beginning of a teacher's career. More teachers with disabilities should also be trained

and included in mainstream schools, so that children with disabilities had access to adult role models with whom they could more easily identify.

16. State funding played a determining role in the implementation and success of national inclusive education systems. States parties should actively promote a holistic approach to inclusive education based on the engagement and commitment of ministries and local authorities and ensure that resources allocated to special schools were reinvested in inclusive, mainstream education. They should also strengthen disaggregated data collection, so that the policy and funding measures required for inclusive education could be taken at all levels of government. In particular, cross-cutting and targeted objectives and initiatives should be devised involving all national stakeholders in order to measure outcomes and progress more accurately.

17. **Mr. Testot-Ferry** (United Nations Children's Fund (UNICEF)) said that inclusive education should be based on equal access to a rights-based, high-quality education for all students, firm commitments by Governments in the form of legal reforms, policies and training, and the provision of adequate structures that established the entitlement of every child to education. Implementation difficulties, however, remained the main obstacle to developing fully inclusive education systems in many States. UNICEF, in partnership with the Washington Group on Disability Statistics and the World Health Organization (WHO), had therefore begun to work with Governments to revise, reform and devise new methodologies and tools for improved disaggregated data collection and analysis. It had also conducted awareness-raising sessions for teachers and education professionals in order to raise their awareness of the Convention and encourage them to advocate the increased participation of students with disabilities in education.

18. **Ms. Blanco Guijarro** (Organization of Ibero-American States for Education, Science and Culture) said that there were a number of barriers hindering the access of persons with disabilities to education in Latin America, namely the absence of disaggregated data on which to base education policy, an inadequate level of high-quality and inclusive education for persons with disabilities at all stages of education, a lack of awareness and inadequate implementation of national legislation on discrimination and inclusive education, discriminatory enrolment and teaching practices in mainstream schools, discrepancies in the quality of education and a lack of standardized tests or publishing of school results. More effort must therefore be made to enrol children with disabilities in mainstream schools in the same fashion as other students, to adopt common curricula that responded to the specific needs of children with disabilities and to promote the importance of every student's development, including that of those with disabilities.

19. **Mr. Singh Kohli** (Self-advocate) said that building a successful inclusive education system required a rights-based rather than a charity-based approach to education and the engagement and commitment of teachers, parents and the wider community. More effort must be made to monitor the practical implementation of article 24 of the Convention and to change societal attitudes towards persons with disabilities. Students with disabilities should be taught and assessed in a manner that best corresponded to their needs, and parents of children with disabilities should be encouraged to ignore negative public discourse regarding disability and strive for their child's full inclusion in society. Lastly, he stressed the importance of school-based nutrition programmes for the successful participation of children with disabilities in school.

20. **The Chairperson** invited comments from the floor.

21. **Mr. Nopakun** (Thailand) said that inclusive education systems that respected diversity could help to eradicate the misconceptions and prejudices responsible for discrimination against persons with disabilities and their segregation within society. Inclusive education should not be viewed as a discrete issue and more attention should be paid to the link between inclusive education and the subsequent stage of independent living in the community. Upon completion of their studies, persons with disabilities must be able

to obtain access to dignified and suitable jobs matching their educational qualifications so that they had the opportunity to earn a living and fully enjoy their human rights. In that regard, he wished to know what steps States parties should take to ensure the inclusion of persons with disabilities in mainstream education at all levels, particularly in the light of certain schools' unwillingness to accept students with disabilities.

22. **Mr. Hoem** (Norway) said that it was important to increase investment in assistive technologies and alternative modes of communication for students with disabilities in mainstream education. Efforts must also be made to raise awareness of the right of persons with disabilities to inclusive education and to strengthen disaggregated data collection so that more effective national education policies could be introduced. The Norwegian education system and international development cooperation was based on the principles of inclusion and accessibility for persons with disabilities and his Government had doubled its international development budget for education between 2014 and 2018.

23. **Ms. Espinosa Garcés** (Ecuador) said that the opinions of children with disabilities should be taken into account when States designed high-quality, inclusive national education systems. National legislation should reflect the need for a tailored inclusive education system capable of responding effectively to the specific needs of every student. In that context, she asked for guidance on how best to design and implement inclusive education policies at the university level, where enrolment tended to be selective and sometimes discriminatory.

24. **Ms. Ramón Torres** (Mexico) said that the main challenge Mexico faced was guaranteeing free, inclusive education for persons with disabilities on an equal footing with other persons. She hoped that the panel members could help to identify measures Governments could use to gradually shift their resources from special education systems to inclusive education systems.

25. **Ms. Gobbi** (Argentina) said that Argentina had made significant progress in the field of inclusive education since 2003. Her Government believed that inclusive education was the way forward. According to the 2012 census, 13 per cent of the population had some form of impairment. Of those, 5 per cent were school-age children. A new law on education adopted in 2006 guaranteed access to inclusive education for vulnerable population groups. She wished to hear the panel members' views on how private education systems could also be made inclusive.

26. **Ms. Pereira Farina** (Paraguay) said that, in the past, discriminatory mechanisms had existed within the Paraguayan education system. In December 2014, a law had been adopted to overhaul those mechanisms and establish inclusive education models in both public and private schools. The law included provisions on a bilingual education programme, universal preschool education, scholarships and education programmes in poor and rural areas. She asked the panel members to share best practices that could ensure that children with disabilities were properly prepared for the new inclusive education model.

27. **Ms. Karimova** (Tajikistan) said that her Government was making efforts to ensure a barrier-free environment for persons with disabilities and that a number of laws and regulations had been adopted in that regard. For example, construction companies were required to take into account the interests of persons with disabilities in their building projects. The Government recognized, however, that there was further progress to be made in the implementation of those laws. In 2013, a working group had been established to, inter alia, carry out awareness-raising campaigns on the issue of disability and consider ratification of the Convention.

28. **Ms. Minkowitz** (World Network of Users and Survivors of Psychiatry) said that appropriate support provided at an early stage without medicalizing children's needs could help them to avoid challenges later on that might be labelled as psychosocial disabilities.

Teachers should help children to address issues they faced, such as sexual abuse and problems in the family. Teachers and school systems must not screen children for psychosocial disability or impose conditions on the right to education, such as a requirement to take psychiatric drugs in order to attend school. Teachers and parents should not use law enforcement or criminal justice systems to enforce children's compliance with minor norms of good behaviour or to enforce stereotypical gender norms. Teachers and school systems needed to decriminalize and de-medicalize childhood and develop conflict resolution measures that were based on paradigms such as restorative justice, so as to avoid the exclusion of children labelled as having psychosocial disabilities.

29. **Mr. Jokinen** (European Union of the Deaf and World Federation of the Deaf) requested the delegation to clarify the meaning of the terms "integrated environments" or "mainstream settings" as opposed to "inclusive education". He asked whether he was correct in thinking that mainstreaming was not the same thing as inclusive education. Many system-wide changes were needed to implement inclusive education, which required merging current general and special education systems into a single system.

30. **Mr. Testot-Ferry** (United Nations Children's Fund) said that progress had been made in some European and Central Asian countries with regard to overcoming barriers to inclusive education, including social norms. A national campaign conducted in Montenegro, for example, had changed the way children with disabilities were viewed by their parents and peers. Other countries had worked to reduce the institutionalization of children by introducing reforms and tracking the number of children placed in institutions. Increased collaboration had also been seen among professionals in the education, health and social services sectors. More modest progress had been made in reforming data collection systems to make data on children with disabilities more widely available.

31. **The Chairperson** thanked the participants for their contributions to the panel discussion and said that she was heartened to hear repeated affirmations that inclusive education was about human rights rather than charity and that persons with disabilities were right holders rather than burdens on society.

Interactive panel on non-exclusion on the basis of disability, reasonable accommodation and access to inclusive education systems

32. *Mr. Basharu took the Chair.*

33. **Ms. Richler** (Inclusion International) said that, by creating schools for their children with intellectual disabilities who were excluded from education, parents had learned that their children were capable of learning, whereas separate education prepared them for a life of segregation. Exclusion from regular education was an infringement of the right to participate fully in the community. Inclusive education was better for all students because it taught them to value diversity and laid the foundation for inclusive communities. A whole-school approach that respected different forms of intelligence, practised differentiated instruction and fostered collaboration would improve the quality of education for all students.

34. While inclusion required some reasonable accommodation, a broader view of inclusion was needed, so as not to miss the key opportunity for a radical transformation of education systems. All too often, large amounts of money were spent on supporting a few students in special programmes rather than making the system better for all. Governments must commit themselves to phasing out segregated systems and invest in transformation that would support inclusion. The Committee should clearly state in the proposed general comment that the Convention required a transformation of education systems to make schools inclusive and provide better education for all. It was crucial that investments in international cooperation should support the development of inclusive rather than

segregated systems. Inclusion should begin at an early age. Support for inclusive education was growing, as more people realized that supporting special systems only served to deprive the regular education system of the resources needed to provide quality inclusion. More than any other article of the Convention, article 24 had the power to shape the future citizens of the world and create societies that would live up to the aspirations of the drafters of the Convention.

35. **Mr. Jokinen** (European Union of the Deaf and World Federation of the Deaf) said that deaf persons were subject to exclusion both because of their disability and because they belonged to a linguistic and cultural minority. They should be protected from both forms of exclusion. Education should be inclusive not just for persons with disabilities but for persons from all kinds of diverse backgrounds. There were a few examples of education models in which the hearing children of deaf parents, whose native language was sign language, were educated together with deaf students and with other hearing students who were interested in receiving their education in sign language. Multilingual and multicultural education required diversity among teachers as well as students. For deaf students, a barrier-free environment meant having access to a bilingual learning environment. Such environments had been created in certain schools in Belgium and in Hong Kong.

36. The deaf community had never advocated special education. Rather, it advocated bilingual, bicultural education, which could be a part of inclusive education. Governments should allocate sufficient resources to create bilingual and bicultural learning environments for deaf students. In some Nordic countries, governments and associations of the deaf had been conducting joint development cooperation projects in the global South for the past 30 years to build capacity and promote the use of sign language in education. Further cooperation of that sort was needed between deaf organizations and governments to implement inclusive education.

37. **Ms. Jongerius** (Self-advocate) said that it was important for persons with disabilities to be given extra time to finish their school courses and for courses to be adapted to students' individual needs. It was also important for schools to consider opportunities for students to participate in society, especially in the world of work, and to ensure that the education provided helped to achieve that. It was important for schools to offer an appropriate mix of both theory and practice. Students with intellectual disabilities did not want to learn just from books; they also wanted to learn by doing. Lastly, it was very important that students with disabilities should feel welcome in school. Persons with intellectual disabilities often encountered negative attitudes and felt that they did not belong, which could lead to their cutting classes, dropping out or being referred to a special school.

38. **Ms. Sandvoort** (Self-advocate) said that persons with intellectual disabilities should not be excluded from education on the grounds of their need for additional support and adaptation. It was important for schools to offer extra time and extra lessons in subjects that might be difficult for students with disabilities. Teachers should be better trained in methods for teaching persons with intellectual disabilities. Persons with intellectual disabilities were often bullied at school and told they were stupid because they did not learn as quickly as other students.

39. **Mr. Opertti** (United Nations Educational, Scientific and Cultural Organization (UNESCO)) said that he wished to address some of the key challenges regarding inclusive education. The first challenge was to overcome the lack of synergy between four main approaches to the debate on inclusive education, namely inclusive education as a human right and public good; inclusive education as a way of meeting the particular needs of special groups; inclusive education as a response to marginalization and poverty; and inclusive education as a transformation of the education system. Secondly, inclusion continued to be viewed through a lens of normality versus abnormality, with the focus on adjusting supposedly "normal" curricula to meet the needs of abnormal students. Diversity,

which was often seen as a barrier to children's education, should instead be leveraged as a democratizing factor in education. Thirdly, there was a need to move away from individualized curricula and towards a common curriculum that was accessible to all students. All children were special; thus, the use of words like "special" to describe certain children only confused matters and created further separation. Fourthly, there was a need to address the widespread fear in society about inclusive education and the lack of understanding of the benefits and added value it provided. Many people feared that their children's education would be jeopardized by an inclusive education model.

40. Current cultures, mindsets, policies and practices were rooted in a dichotomy between able and disabled persons, when what was needed instead was a holistic, harmonized view of education. The great challenge in education systems was to give every individual child the opportunity to learn. That should be achieved through universal policies, while showing sufficient flexibility to allow for diversity.

The meeting rose at 1.05 p.m.

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Summary record of the 198th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 15 April 2015, at 3 p.m.

Chairperson: Mr. Basharu
later: Mr. Ruskus
later: Ms. Peláez Narváez
later: Ms. Cisternas Reyes (Chairperson)

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General comments and days of general discussion (*continued*)

Day of general discussion on the right to education of persons with disabilities (continued)

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Mr. Basharu took the Chair.

The meeting was called to order at 3 p.m.

General comments and days of general discussion (*continued*)

Day of general discussion on the right to education of persons with disabilities (continued)

Interactive panel on non-exclusion on the basis of disability, reasonable accommodation and access to inclusive education systems

1. **The Chairperson** invited the panel members who had not spoken at the previous meeting to make their statements.

2. **Ms. Quinlivan** (National University of Ireland) said that, as there was no definition of inclusive education in the Convention, there was no clear vision of an inclusive education system towards which States could aim. What was currently being described as inclusion was in reality something very different, and not always desirable. In her own country, Ireland, education policy was underpinned by legislation that supported mainstream education. That presumed that all children were educated together. However, while there had been undoubted improvements in resource allocation for students with disabilities, there was also a very clear trend towards integrating special classes into the mainstream, a tendency it was hard to describe as inclusion. According to a 2014 report commissioned by an Irish national body on special education, many students in special classes in primary and post-primary education spent most of the school week together as a group, which meant that assignment to such classes was relatively permanent. Thus, with no proper vision of inclusive education, Ireland had a system that was integrated, but where in effect children with disabilities were segregated within the same educational campus as other children. The system was therefore arguably still discriminatory. That was the case in many countries.

3. One way to challenge systemic educational discrimination was through the ranking systems for schools and universities. University rankings, for example, were based on criteria such as the number of peer-reviewed articles published and the amount of research income brought in. There was no assessment of inclusiveness or equality. Incorporating those criteria within ranking systems would incentivize educational institutions to work towards the goals of inclusiveness and equality because it was in their own interests to do so. The treaty monitoring bodies might wish to work together to that end.

4. **Mr. Chávez Penillas** (Human Rights and Disability Adviser, Office of the United Nations High Commissioner for Human Rights (OHCHR)), drawing participants' attention to the OHCHR report on the right of persons with disabilities to education (A/HRC/25/29), said that OHCHR supported a systemic approach to the right to education, one where all students were equally valued and recognized as substantive contributors to the educational process, irrespective of their social condition, gender, sex, ethnic origin, nationality or impairment.

5. While the implementation of inclusive education systems was subject to progressive realization, as recognized by article 4, paragraph 2, of the Convention, the Convention also provided, in article 24, for two substantive anti-discrimination measures to ensure the enjoyment of the right to education immediately, namely, the "non-rejection" clause and the provision of reasonable accommodation.

6. The non-rejection clause clearly implied that no measures or schemes in place should result in denial of students' right to choose to pursue their education in regular public education facilities. States parties could not adopt laws or policies that forced

students to study in special schools if they opted for integrated or inclusive settings. That was a measure of non-discrimination and, as such, of immediate realization. The non-rejection clause was applicable on an individual basis and not subject to reasonableness tests.

7. States that did not yet have the support services needed to effectively realize the right to education for certain students with disabilities must provide reasonable accommodation in order to ensure the realization of that right. Again, as a non-discrimination measure, reasonable accommodation was of immediate realization. States must ensure that education providers arranged for reasonable accommodation on request.

8. There was as yet no objective test of reasonableness, but some of its elements could be derived from the *Jungelin v. Sweden* case and comparative law and could be taken into account in the proposed general comment on the right to education of persons with disabilities. Among other points, the State should identify the duty bearer in law and policy, in order to avoid posing undue burden on the student to request reasonable accommodation; the duty bearer and the right holder should engage in an interactive dialogue in order to identify the necessary accommodations; and the law should reverse the burden of proof so that it was for the duty bearer to prove either that the requested accommodation was irrelevant for effective access to inclusive quality education or that it was out of proportion to what was necessary.

9. Lastly, both the non-rejection clause and reasonable accommodation must be enforceable through free administrative or judicial procedures.

10. **Mr. Mitra** (United Nations Children's Fund (UNICEF)) said that reasonable accommodation was a key policy tool in enhancing access and learning outcomes for children with disabilities. Its operation depended, however, on a network of interconnected components. What was needed was to build an ecosystem of reasonable accommodation taking in all the actors within the education system — teachers, school management, and local and district authorities, right up to the national education ministry — with responsibility for ensuring reasonable accommodation: any break in the chain could result in reasonable accommodation not being available. One example was examinations. In many countries extra time was granted to children with disabilities but in an arbitrary way, and there were frequent complaints that the time allowed was not adequate. In addition, there were rules stating that, if a child needed a writer, the writer should be one or two grades below the candidate's level and not from the same technical area: thus, the candidate would have less time and a writer who did not understand the technical terms used in the examination. Flexible assessment systems were a vital part of reasonable accommodation.

11. Reasonable accommodation required a multisectoral approach. A child needing an assistive device, for example, often needed a disability certificate from the health department, the device itself was provided by the social welfare department, and for transport to school to use that device the child relied on the transport department. Only through systematic coordination could reasonable accommodation be operationalized.

12. As to access to appropriate learning materials for children with disabilities, research indicated that teacher training and textbook provision were two of the most effective ways to enhance learning outcomes. Yet, not only did educators not know how to teach children with disabilities, but very few textbooks available to such children actually made sense to them. The digital technology revolution, however, meant that books could be adapted to meet the learning requirements of children with different impairments. The cost of adaptation was marginal as a proportion of public funding for textbooks. The general comment should address the issue of making textbooks accessible using technological innovation, so that books were available in sign language, in simplified versions, in audio and in text. That was a means of making inclusive education a reality.

13. **The Chairperson** invited comments from the floor.

14. **Mr. Preobrazhenskiy** (Council of Europe) said that the European Committee of Social Rights, the monitoring body of the European Social Charter, had considered two collective complaints against member States relating to the right to education. One had been brought against Bulgaria and related to children with intellectual disabilities and the other was against France and concerned children with autism spectrum disorders. Both the cases highlighted the disparity between the proportion of children with disabilities receiving education and that of the overall population. In both countries a legislative framework was in place, which meant that it was proper implementation that was lacking. Indeed, it was clear from country reports to the Committee, in which States often referred to "integration into education", that there was still a poor understanding of the concept of inclusion. The Council of Europe therefore welcomed the prospect of a general comment on the subject.

15. **Ms. Almeida** (Down Syndrome International) said that resistance to inclusive education was not a matter of economic resources but was rather a question of political decisions and attitudes. That was borne out by her personal experience. Her own 10-year-old daughter had Down syndrome and the family had lived in four different countries, two of them developed countries and the other two developing countries. Her daughter had had access to inclusive education in Brazil and in the United States, where she had learned to read. In the Bolivarian Republic of Venezuela, however, the family had been unable to find a school for her, whether public or private, regular or special, and for that reason had had to leave the country. In Switzerland, where the family now lived, seven international schools and five other private schools had turned her daughter down, and after a lengthy evaluation process the public education system had placed her, for the first time in her life, in a special school an hour away from the family home.

16. **Ms. Pignard** (Alliance Autiste) said that she was an autistic self-advocate. She wished to describe how, instead of providing adaptive schooling for children with disabilities, the French State continued to segregate them from the community by concentrating them in institutions that were unable to fulfil the right to education. That had been confirmed by the Council of Europe in its numerous findings against France. Only 20 per cent of autistic children were in mainstream school in France; 80 per cent were in institutions or had been deported to Belgium.

17. In one recent example, a 15-year-old boy had been scheduled to go to secondary school for the current school year, but the service responsible for development of children with disabilities had then decided to place him in an institution. On his first day at the school, he had been physically barred from entering by the head teacher. When finally accepted some days later, he had been set apart from other pupils in an empty room. After that, various authorities had started colluding, with the specific aim of placing the boy in an institution. The family had then moved to another area to escape persecution but to no avail, and had finally moved to Germany, since the French State appeared bent on placing the boy in an institution.

18. **The Chairperson** invited Ms. Richler to sum up the panel discussion.

19. **Ms. Richler** (Inclusion International) said that a strong message had been sent to the Committee to the effect that Governments needed clear guidelines on the meaning of inclusive education under article 24. Governments were using various options and referred to mainstreaming or integration and sometimes even inclusion, but what they were providing was not up to the standards all the speakers had mentioned.

20. As to reasonable accommodation, the system needed to accept that it was responsible for educating all children seeking to enrol, and then that additional support was required in the form of reasonable accommodation for specific students. There was no excuse for building new schools that were not accessible and it was not reasonable

accommodation to attribute the cost of putting in an elevator or ramp to one student: those should be basic elements in all schools, in order to include all students. Similarly, the opportunity to be educated in one's native language, whether that was the country's main language or sign language, should also be a given. What was needed was to establish the bare essentials of an inclusive system and then set forth guidelines on reasonable accommodation.

Interactive panel on support for inclusion in the general education system and individualized support measures

21. *Mr. Ruskus took the Chair.*

22. **Ms. Van Wijnen** (InISchool) said that her organization, which was based in the Netherlands, promoted all children's right to go to the same neighbourhood school. Among other things, it challenged violations of the right to inclusive education in court, thereby working towards lasting change in the education system in the Netherlands, inspired by the Convention. The Netherlands had not yet ratified the Convention and the Government did not want to change the system or the law, which operated by exclusion and segregation. However, research and jurisprudence appeared to bear out her organization's views on inclusive education.

23. Legal experts had concluded, for example, that in international law — not only under the Convention, but also according to the Convention on the Rights of the Child — States parties were legally obliged to offer accessible and inclusive education at all levels to every child. Exclusion and segregation, as well as denial of reasonable accommodation and accessibility in mainstream education, violated both Conventions. Such legal opinions, which interpreted the content of human rights treaties and compared them to domestic law, were of great value, for where there was no right to inclusive education in domestic law, the only recourse was to the international treaties.

24. Research into good practice had identified various success factors for inclusive education. For example, it was essential to celebrate diversity throughout the school. In addition, the school needed to be a community whose members learned with and from each other, teacher to student, student to teacher and peer to peer. The main question for teachers was how to support every learner in achieving success. Exhaustive research had shown that the presence of learners needing extra care in mainstream schools did not negatively affect overall results, either in primary or in secondary schools. It had also shown that children with an intellectual disability had better outcomes in mainstream schools than in special schools and that the longer learners stayed in special education the worse their results in spelling and in IQ tests.

25. The points she would hope to see in the general comment included, first, a clear statement that article 24 proclaimed the right to inclusive education for all children. No child should be tested to establish whether or not he or she should be granted access to a school. A statement was also needed about the negative impact of segregated education on children's opportunities, self-esteem and dignity. The general comment should draw attention to the core purpose of education and stipulate in particular States parties' obligation to invest in accessibility in all schools without waiting for an individual to request accommodations. Lastly, it should state that the reasonable accommodation clause was not to be used as an excuse to exclude children while mainstream schools remained inaccessible.

26. **Mr. Rieser** (World of Inclusion and Disabled People's International (DPI)) said that DPI, a cross-impairment organization with representative national councils in 140 countries, had been at the forefront of the paradigm change in the way disability was viewed and had helped set the stage for the adoption of the Convention. Previously, disability had been

considered a personal problem, to be fixed, and not a social problem involving barriers, culture and organization. That shift in paradigm underpinned the entire Convention and was clearly reflected in article 24.

27. During the drafting of the Convention, some had argued for the right to choose segregation in education, a position which had since, thankfully, been largely abandoned. The Convention, however, was still the product of the opinions and discord prevailing in the period in which it had been drafted. It thus lacked a definition of inclusion, which was a serious drawback. The Committee could now very usefully address that shortcoming.

28. A study done for the Commonwealth on the implementation of article 24 in 70 countries had shown that many Governments throughout the world had neglected to consult organizations of persons with disabilities on the matter and had failed to provide for disability equality training, which was a vital element in securing the paradigm shift, since an understanding of the social model of disability was not intuitive.

29. Neither the old, traditional view which denied the rights of persons with disabilities, nor the medical model which segregated and more or less warehoused them, nor simple integration in existing schools was acceptable. Inclusive schools had to be different, with staff, parents and pupils valuing diversity and support made available so that all could thrive, both academically and socially. That would require a reorganization of schools, not of individuals.

30. He had taken part in a study for UNICEF of teacher training for the education of persons with disabilities, involving inter alia a survey of over 1,000 educationalists. The study had helped to change the focus of efforts in that area from the provision of special education for children with disabilities to the development of inclusive schools. For that to work, teachers had to be properly trained, which, in many parts of the world, would mean abandoning the "chalk and talk" top-down approach of educators and adopting child-centred learning, bringing children to collaborate in classroom activities. That was a big challenge, particularly in many developing countries, where the fundamentals of education would be called into question.

31. It was necessary to empower young people to understand the origins of oppression of persons with disabilities. In addition, teachers had to receive training to allow them to constructively educate individuals with different kinds of impairment. It was not enough to advocate for inclusion if teachers were unprepared and the required teaching materials were not available. The Committee should recommend mandatory training, not just as part of pre-service instruction, but also during teachers' careers. The study had found that the use of cascading train-the-trainers approaches was not as effective as mandatory direct training of teaching personnel. Such training could be dispensed by local universities or colleges and should involve some accreditation of increased qualification, accompanied by commensurate increases in remuneration, reflecting the high value associated with the new skills. Teachers in many countries were woefully underpaid, and it was for States to correct that situation. For education to be inclusive and effective, it had to receive adequate funding.

32. **Ms. Hunt** (Senior Inclusive Education Expert) said she agreed with those who had intimated that the debate about what constituted inclusive education must give way to decisive, holistic and transformative action. Inclusive education was not just about children with disabilities; it was a question of ensuring quality education for all. It must not be equated with integration or mainstreaming.

33. In reality, even countries with exemplary regulatory frameworks on inclusive education faced serious challenges in implementation that often led to the perpetuation of segregation. What was needed was clear, concise and practical guidance on implementing article 24 of the Convention and, better still, the empowerment of those in the classroom — teachers and students — to take action themselves. The guidance needed to focus on beliefs,

attitudes, knowledge and skills of teachers working with all children, not just those with disabilities. It should ensure the excellence of teaching staff, who were at the forefront of change. It must help to instil in teachers a positive attitude towards social change. It must facilitate the sharing of knowledge to foster implementation of inclusive education, breaking down the barriers that had for 100 years been erected between specializations. Teachers had to be trained in ways to differentiate instruction, respond to needs and build on the strengths, dreams and aspirations of all their students.

34. Universal design for learning, differentiated instruction, cooperative teaching and learning, positive behaviour management, multidisciplinary team-building and decision-making, information and communication technologies and assisted technologies were all important elements of inclusive education, which must not be seen as an add-on to existing systems.

35. **Ms. Sukharaj-Ely** (South African Council for the Blind), speaking on behalf of the World Blind Union (WBU) and the International Council for the Education of People with Visual Impairment (ICEVI), said that unlike children with other disabilities, who could with minimal adjustments be successfully included in mainstream schools, those with visual impairments required unique learning, teaching and assessment methods in order to have access to inclusive education. Such learners presented diverse needs resulting from their particular eye conditions, capabilities and overall circumstances. They required not only physical access to schools, but also a flexible and adaptable curriculum, which was often lacking, especially in mathematics and science. To be independent, such learners must have a specific skill set, including knowledge of Braille, orientation and mobility capabilities, and a unique set of social skills.

36. Reasonable accommodation had to be provided throughout the educational process. For example, alternative assessment methods must be made available when necessary. Unfortunately, countries currently lacked guidelines on how to do so, as well as qualified human resources.

37. The provision of specialized support was a contentious issue. Some advocated the provision of such support entirely in mainstream schools, while others considered that there was still a role to be played by specialized centres, as learners with visual impairments at mainstream schools often encountered situations where technological assistance, Braille and large-print textbooks were lacking and teaching staff were unqualified and unprepared to provide them with instruction. Even in countries with decades of experience in mainstreaming such children, research had shown that they often received materials late or only partially, were taught by untrained ancillary staff, had insufficient orientation and mobility support, and were socially isolated, bullied and excluded; furthermore, responsibility for providing specialized support was perceived as being outside the realm of the mainstream system.

38. The maintenance of two parallel systems of mainstream and special education schools allowed the mainstream institutions to stagnate in their inclusion efforts and severely restricted any progress. The key issue was not where support services were based per se, but rather that they must be embedded in the concept of inclusion.

39. WBU and ICEVI had in 2006 initiated a campaign to ensure education for all visually-impaired persons, but 90 per cent of such learners still received no education at all. Clearly, States parties were struggling with the implementation of article 24 of the Convention. The measures they were adopting amounted to stand-alone policies that left the core education policies unchanged, which amounted to special education under a different name. Furthermore, most such measures focused on basic education. Early-childhood education and early identification and intervention were essential to ensuring successful inclusive education but were currently given no attention, and there was no focus on post-secondary and higher education, including vocational training.

40. Some argued that the special support services, technology and human resources for inclusive education were too costly, especially at a time of cutbacks, when priority must be given to maintaining other social services. Clearly, States needed to be encouraged to take ownership of inclusive education. They should have time-bound, constantly implemented inclusive education plans. Technology strategies should be developed in both developed and developing countries, as technology provided a powerful tool to grant visually-impaired students access to school curriculums. Lastly, experience had shown that the introduction of inclusive education was an ongoing process. Further research and investigation were required to ensure the use of best practices.

41. **Mr. Cobeñas** (Asociación Azul) said that at the age of 6 he had attended a special education school but had not received any education there because he had been labelled as unmotivated and incapable of being taught. His mother had subsequently begun to look at how children in his situation were educated in other parts of the world. She had eventually found out about augmentative and alternative communication (AAC) systems and had begun to use one to educate him. At the age of 9, he had thus been able to enter a mainstream school that provided some specialized services and had begun to feel more supported. However, that support had come from his family.

42. His memories of the teachers at the special education school were that they instilled fear and placed barriers in his path. The experience had been humiliating and extremely painful. He had felt much more at ease at the mainstream school, and he considered that his presence had been beneficial not only to his classmates, but also to his teachers, who had learned how to teach more effectively. He was currently studying at university and planned to concentrate on linguistics in order to find out more about AAC techniques and theory. Without such techniques, he could never have obtained an education.

43. He had a clear idea about some of the steps required to facilitate the introduction of inclusive education. The needs in terms of support and assistance must be clearly articulated and explained. Groups of students with disabilities should be supported and encouraged to work with the teaching staff, who must be trained, and the staff and the authorities must be shown how inclusive education worked. The struggle to provide inclusive education must continue.

44. **Ms. Martinez** (Human Rights Watch) said that Human Rights Watch had conducted investigations on the right to education for people with disabilities in numerous countries. It had found that, although many Governments advanced claims of near-universal enrolment in primary education, children with disabilities faced significant barriers and discrimination and constituted the largest group of out-of-school children. Many such children dropped out owing to a lack of reasonable accommodation, discrimination or the poor quality of the education they received. Such barriers affected children at all levels. At the secondary level and in higher education and vocational training, people with disabilities were hardly visible, and the resources required to ensure inclusion were often lacking or not given priority.

45. Two groups of children were especially neglected: those with intellectual or multiple disabilities, who often entered the education system late and with limited exposure to early stimulation or education; and adolescents and young adults with disabilities, who often dropped out owing to a failure to obtain a quality education at the primary level or because of a lack of reasonable accommodation when advancing to higher levels of education. For the first group, it was often argued that accommodating them was problematic, as it required more funding, support and time than for other students. Human Rights Watch had concluded that such children were often placed in special schools without any consideration being given to individual special measures that could enable them to learn in inclusive settings. By placing them in such institutions, Governments not only segregated them, but also burdened them with a significant limitation on what they could do later in life. In a number of countries, Human Rights Watch had found that mainstream schools regularly rejected such students, notwithstanding their obligation to find ways to accommodate them. There were very few, if any, efforts to provide incentives for ordinary schools to enrol such

children, for example by increasing the number of staff trained in inclusive education techniques.

46. Even when children with disabilities were enrolled in schools, the education they received was generally not in line with the standards of quality advocated in the various human rights instruments. In the worst cases, they were left to sit or lie in classrooms, with no stimulation or learning. Such children were often unable to complete compulsory education and eventually found themselves in institutions such as skills centres, which offered them no opportunities for empowerment or skills strengthening, but rather a means of remaining in a protective environment. The shortcomings of their previous experience in education left such persons without skills, independence or a sense of self-worth. A typical case was that of an epileptic student who had had to transfer between three schools, had not completed compulsory education and was currently in such a centre, learning to make bracelets and other accessories from beads. The centre, which reported to the social development administration and not the education ministry, was unable to provide catch-up opportunities or even to teach basic numeracy and literacy skills. As was often the case, there was little synergy between government departments.

47. The burden to find schools should not be on parents or children. Governments had a fundamental obligation to address discrimination and ensure that children could be enrolled in the most suitable inclusive learning environment. For adolescents and young people with disabilities, it was for Governments to provide further education opportunities, especially when they had failed to guarantee quality education for them at a younger age. They must also review the quality of the education received by children and young adults with disabilities when they were taught in specialized settings, and the levels of support and teaching received in the general education system.

48. **Ms. Hojsteen** (Disabled People's Organizations Denmark (DPOD)) said that compulsory education in Denmark was in transition, towards a more inclusive system. While her organization worked with school principals, teachers and parents, it recognized that children were the key actors in that process, as social relations were the most efficient vehicle for inclusion.

49. Denmark did not lack resources, but they were not always used in the best way. For example, during years of educational integration efforts, children with disabilities had often literally been placed in the corner of a classroom, isolated behind the barriers constituted by assistive devices or interacting with classmates only through the special teachers assigned to them. Thus, efforts to ensure inclusion had actually led to exclusion.

50. In that connection, DPOD recognized the importance of carrying out research and providing evidence-based knowledge to ensure that inclusion efforts were properly conceived, and it also considered it imperative to acknowledge the key contribution made by children themselves, both with and without disabilities. It thus worked closely with students' organizations, which had indicated that students wanted to help establish effective inclusive education but were uncertain about how best to proceed. Such uncertainty, not only among students, but also teachers, often made discussion of disability taboo, which was counterproductive. In other situations, children with disabilities had mentioned that sometimes teachers, with the best intentions, focused excessively on their disabilities, at the expense of other aspects of their lives. The shared experiences of the children highlighted the need to ensure an open atmosphere and a measured dialogue about disability.

51. DPOD had heard distressing reports from young persons with disabilities about bullying, isolation and loneliness at school, and it was working systematically to improve the situation. Children with disabilities had pointed to the need for inclusion to extend beyond learning per se, to include extracurricular activities such as excursions and birthday parties. DPOD had therefore established contacts with parents' associations to help ensure that inclusion would be supported both inside and outside the classroom. Establishing lasting relations between DPOD and the various stakeholders was of the utmost importance.

52. **The Chairperson** invited comments from the floor.

53. **Mr. Jokinen** (European Union of the Deaf and World Federation of the Deaf) said that, although the Convention did not provide a definition of inclusive education, it did mention some concepts — specifically, universal design, accessibility, reasonable accommodation, individual support and non-discrimination — that were clearly related to inclusive education. It could be assumed that, if all five elements were in place, then schools would theoretically be inclusive. Had such an approach already been analysed, either conceptually or in practical terms? It would perhaps be useful to define the five elements and what they meant for the various groups of persons with disabilities.

54. **Ms. Malaquias** (Advocate and parent of a child with a disability) said that, in her country, Australia, the legal framework purported to provide for inclusive education, but that was in itself insufficient. Over and above adequate resourcing and teacher training, the successful introduction of inclusive education required a culture change among teachers, parents and society as a whole, so as to dislodge entrenched attitudes that had historically led to segregation.

55. In Australia, as elsewhere, a number of barriers continued to support the exclusion status quo, including: a lack of information for parents, teachers and the community on the evidence-based benefits of inclusive education; a tendency for the authorities to espouse the ostensibly acceptable position that it was for parents to decide whether a child was to be educated in a segregated or inclusive setting; and the persistence of the medical model that underpinned the education of students with disabilities, with resources allocated in accordance with medical labels instead of actual functional, educational needs. In addition, the maintenance of dual systems of special education institutions and mainstream schools, which in Australia resulted in funding and resources for children with disabilities being channelled into segregated environments, led to a pernicious situation in which parents were drawn to place their children in non-inclusive settings.

56. Where an inclusive culture was lacking or rare, families would continue to face the grinding, consuming need to advocate for their children's rights by combating both discrimination in the system and subtle discrimination in the culture.

The meeting was suspended at 5.05 p.m. and resumed at 5.10 p.m.

Interactive round-table dialogue

57. *Ms. Peláez Narváez took the Chair.*

58. **The Chairperson** said that, to begin the interactive round-table dialogue, the rapporteurs of the three earlier panels would summarize the main themes that had emerged during the discussions.

59. **Mr. Chávez Penillas** (Human Rights and Disability Adviser, Office of the United Nations High Commissioner for Human Rights), reporting on the interactive panel on inclusive and quality education systems in law and policies, said there had been a general understanding that inclusive education systems were the way forward, that inclusive education equalled quality education and that inclusive education required a systemic reform of education systems at all levels. It had been recommended that the future general comment on article 24 should contain a very clear definition of what was understood by inclusive education. The need to plan for the transition towards inclusive education systems had also been raised. It had been noted that the medicalization of needs assessment was not helpful, contributed to labelling children at an early stage and did not support their personal development. Children with disabilities should not be obliged to comply with medical procedures, such as taking psychiatric medication, in order to exercise their right to education. The questions that had emerged were whether medically-based needs assessment should be banned completely, bearing in mind that diagnosis could in some cases be a

useful tool, and whether the general comment should include guidance on the elements necessary for the transition from integrated to inclusive systems.

60. **Mr. Tromel** (International Labour Organization (ILO)), reporting on the interactive panel on non-exclusion on the basis of disability, reasonable accommodation and access to inclusive education systems, said it was clear that education was important for everybody in society and that, from an ILO perspective, it was important in order to have access to good jobs. Persons with disabilities must be educated alongside persons without disabilities, as segregated education clearly led to segregated employment. Discrimination in the labour market often occurred because employers had had no previous interaction with persons with disabilities.

61. It was vital to focus on all stages of education; for example, in terms of return on investment, preschool education was one of the most valuable areas, and it was therefore necessary to ensure that it also met the needs of children with disabilities. Quality education was inclusive education, but much still needed to be done to convince society at large of that. Given that more resources needed to be allocated to education in general, the disability movement should align itself with mainstream civil society organizations pushing for increased funding of education. Without a clear vision of inclusive education, however, resources were not enough. Inclusive education should be the only option available; if other options remained, there would always be some experts who advised segregation. The vision should be an education system that embraced diversity in all its forms – linguistic, cultural, disability, gender, ethnic. There was a need to move away from terms such as "special needs education" and "individualized plans", which hampered the capacity to have such a vision. Lastly, it was important to ensure that the future general comment was endorsed by the other United Nations human rights treaty bodies.

62. **Mr. Mitra** (United Nations Children's Fund), reporting on the interactive panel on support for inclusion in the general education system and individualized support measures, said the overwhelming message was that inclusive education was good for all children, both with and without disabilities. There was a need to fundamentally challenge elements that prevented inclusive education from becoming a fully-fledged operational system. The importance of teachers, and of empowering them, had been stressed. The role of students in helping teachers learn had also been highlighted, as had different teaching methods. It was important to acknowledge and tap into the expertise of children with disabilities themselves in order to ensure that systems and support were practical and context-specific. The difficulty in operationalizing inclusive education was due to the existence of different systems, with mainstream schools often not able to develop fully because of the continued presence of segregated schools. The importance of developing strategies to ensure that technology that supported learning was accessible and affordable for persons with disabilities around the world had been highlighted.

63. **Mr. Rieser** (World of Inclusion and Disabled People's International) said the World Bank view that the global education reform movement was the way to bring education to all could impede the current efforts in relation to inclusive education. There was ample evidence — from the United States, Sweden and the United Kingdom, for example — that introducing the market into education was not in the best interests of pupils with disabilities, as privatized education providers could choose their students and often turned away children with disabilities. In addition, the learning metric favoured by those providers focused only on literacy and mathematics. It was therefore necessary to advocate strongly for targets not to be normative but rather to be based on children's development.

64. **Ms. Richler** (Inclusion International) said that attention should be given to the change process and how to move towards a fully inclusive system. Currently, at the two extremes, there were countries with strongly entrenched segregated systems and countries in which many children had been excluded from education altogether and which were just beginning to develop their education systems. In so doing, States must choose between rights-based approaches and strategies that were more focused on efficiency. Guidance

from the Committee would thus be helpful, notably on the time frame for the transition to inclusive education, which must be short, and on actions to be prioritized in dismantling existing segregated systems and building up inclusive ones.

65. **Ms. Blanco Guijarro** (Organization of Ibero-American States for Education, Science and Culture) said that the idea of "special education" suggested that children with disabilities learned in very distinct ways and had very different requirements, which was a potential barrier for teachers, who might feel that they would not be able to deal appropriately with pupils with disabilities. Instead of considering special education as distinct from general education, stakeholders should concentrate on providing quality education with adequate support systems and resource provision for children with disabilities. Rather than diagnosis-based needs assessment, the focus should be on identifying the particular barriers experienced by students in accessing education and on understanding the specific nature of individual students' disabilities and their learning and development needs.

66. **Mr. Jokinen** (European Union of the Deaf and World Federation of the Deaf) said that it was necessary to consider how to draw on the enormous potential within the disability community in order to achieve real change. The Committee should consider how States parties could be encouraged to ensure that persons with disabilities had more opportunities to play a role in the education system. For example, although many deaf people might wish to be teachers, most were limited to working as teaching assistants.

67. **Mr. Chávez Penillas** (Human Rights and Disability Adviser, Office of the United Nations High Commissioner for Human Rights) said that there was a clear need to move forward with the definition of what reasonable accommodation meant in the context of article 24 of the Convention. In addition, complaints mechanisms must be in place to ensure the implementation of the non-rejection and reasonable accommodation clauses in the Convention.

68. **Mr. Tromel** (International Labour Organization) said that, in order to promote systemic change and ensure that policies, such as those of the World Bank, were in line with the needs of persons with disabilities, the disability community must engage with the larger education community in working towards improving the overall education system. He supported the recommendation that the Committee should give guidance on the process of change towards inclusive education; the challenge would be to identify milestones or targets that could be used to measure States' progress.

69. **Mr. Mitra** (United Nations Children's Fund) said that there was now broad acceptance of the principle of inclusive education; the challenge was to put the principle into practice. Stakeholders must identify how to guarantee reasonable accommodation and how to align policies with inclusive education concepts, for example. Practicable solutions must be found to ensure that the principle did not remain dead letter.

Concluding comments and closing remarks

70. *Ms. Cisternas Reyes (Chairperson) took the Chair.*

71. **Ms. Bailey** (Committee on the Elimination of All Forms of Discrimination against Women), noting that the discussion on the right to education had been mostly gender-blind, said that, in analysing barriers to inclusion, a gender lens must be used and that the identification of solutions must be based on a gender analysis of the situation. The issue of harassment and sexual abuse of women and girls with disabilities in educational institutions, which had been overlooked, should be specifically addressed in the general comment, with States parties encouraged to establish clear policies and legislation on the matter.

72. The building of a skilled labour force was a major objective of education and persons with disabilities must equally be prepared for meaningful engagement in paid work. A common concern was that vocational training was not preparing young people with

disabilities for decent jobs or assisting them in accessing the labour market. The general comment must therefore give special attention to that domain by proposing strategies that linked training to real employment opportunities.

73. Dismantling negative attitudes had not emerged as central to the debate. In developing the general comment, the Committee must, however, bear in mind that inequality was not only structural but also ideological. The general comment should include clear strategies for modifying the social and cultural patterns of conduct in the family and in school that ran counter to the principle of the full and effective participation and inclusion of persons with disabilities in society and in mainstream education.

74. **Mr. Cardona** (Committee on the Rights of the Child) said that there was a clear need to improve the understanding of what exactly the right to inclusive education meant. States had an obligation to recognize that all children were different and that it was for the system to adapt to them. Regardless of a State's particular circumstances or level of resources, the key was to be open to, and understand, the concept of inclusive education. The consultations conducted by the Committee on the Rights of the Child in relation to its draft general comment on public spending had shown that the needs of children with disabilities were a priority area, along with children's health and education. Children were aware of the fact that their peers with disabilities experienced discrimination and were demanding that they should be included. In order to achieve that goal, it was vital to have the support of the entire human rights protection system. Noting that persons with disabilities were not represented in any of the other treaty bodies, he stressed that the United Nations itself needed to learn to be more inclusive and needed to view issues with a disability lens.

75. **The Chairperson** said that the Committee had always attached particular importance to article 24 of the Convention and, in its concluding observations, had systematically made recommendations to States parties in relation to quality inclusive education and immediate implementation of reasonable accommodation measures. The Committee was aware that the issue was a sensitive one and, in developing the general comment, it wished to take account of the legal, political, structural, practical and operational aspects required to implement inclusive education systems. The Committee had received 82 submissions on the right to education for persons with disabilities, which, together with the issues raised during the day of general discussion, would be reflected in the general comment. Expectations were high, but the Committee, for its part, was deeply committed to the issue and to helping bring about deep-rooted change. In conclusion, she wished to thank all the participants and those who had contributed to the day of general discussion.

The meeting rose at 6.10 p.m.